

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
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LEHMAN BROTHERS SECURITIES AND	:
ERISA LITIGATION	: Civil Action 09 MD 2017
	: (LAK)
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This Document Applies to:	:
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<i>In re Lehman Brothers Equity/Debt Securities</i>	:
<i>Litigation</i> , 08 Civ. 5523 (LAK)	:
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NOTICE OF MOTION BY DEFENDANTS
TO DISMISS THE THIRD AMENDED CLASS ACTION COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying Defendants' Joint Memorandum of Law in Support of Their Motion to Dismiss The Third Amended Class Action Complaint, the Declaration Of Michael J. Chepiga and the exhibits attached thereto, Defendants A. G. Edwards & Sons, Inc., ABN AMRO Incorporated,¹ ANZ Securities, Inc., Banc of America Securities LLC, BBVA Securities Inc., BNP Paribas S.A., BNY Mellon Capital Markets, LLC, Cabrera Capital Markets LLC, Caja de Ahorros y Monte de Piedad de Madrid, Calyon Securities (USA) Inc., Charles Schwab & Co., Inc., CIBC World Markets Corp., Citigroup Global Markets Inc., Commerzbank Capital Markets Corp., Daiwa Capital Markets Europe Limited, DnB NOR Markets Inc. (the trade name of which is DnB NOR Markets), DZ Financial Markets LLC, Edward D. Jones & Co., L.P., Fidelity Capital Markets Services (a division of National Financial Services LLC), Fortis Securities LLC, BMO Capital Markets Corp. (f/k/a Harris Nesbitt Corp.), HSBC Securities (USA) Inc., HVB Capital Markets, Inc., Incapital LLC, ING Financial Markets

¹ The complaint improperly names ABN AMRO Holding N.V.

LLC, Loop Capital Markets, LLC, M.R. Beal & Company, Mellon Financial Markets, LLC (n/k/a BNY Mellon Capital Markets, LLC), Merrill Lynch, Pierce, Fenner & Smith, Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., Muriel Siebert & Co., Inc., nabCapital Securities, LLC, National Australia Bank Ltd., Natixis Bleichroeder Inc., Raymond James & Associates, Inc., RBC Capital Markets Corp. (f/k/a RBC Dain Rauscher Inc.), RBS Securities Inc. (f/k/a Greenwich Capital Markets Inc., d/b/a RBS Greenwich Capital), Santander Investment Securities Inc., Scotia Capital (USA) Inc., SG Americas Securities LLC,² Siebert Capital Markets (the advertising name of Muriel Siebert & Co., Inc.), Sovereign Securities Corporation LLC, SunTrust Robinson Humphrey, Inc., TD Securities (USA) LLC, UBS Investment Bank, UBS Securities LLC, Wachovia Capital Finance, Wachovia Securities, LLC, Wells Fargo Securities, LLC, and The Williams Capital Group, L.P. (collectively, the “Underwriter Defendants”), UBS Financial Services, Inc., (“UBSFS”), Richard S. Fuld, Jr., Christopher M. O’Meara, Joseph M. Gregory, Erin Callan, and Ian Lowitt, (collectively, the “Officer Defendants”), and Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Sir Christopher Gent, Roland A. Hernandez, Henry Kaufman, and John D. Macomber (collectively, the “Director Defendants”)³ (all collectively, the “Defendants”), by and through their undersigned attorneys, will move before the Honorable Lewis A. Kaplan, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 12(D), New York, New York 10007, on such date as the Court will determine, for an Order, under Fed. R. Civ. P. 8, 9(b), 12(b)(1) and 12(b)(6), dismissing the Third Amended Class Action Complaint in the above-captioned action with prejudice.

² The complaint also names Société Générale Corporate and Investment Banking (“SGCIB”). SGCIB is not a corporate entity; rather it is a division of the Société Générale Group.

³ The Director Defendants have filed separately their own supplemental memorandum of law.

PLEASE TAKE FURTHER NOTICE that pursuant to the stipulation of the parties and order of the Court, opposing papers, if any, must be served and filed on or before June 30, 2010. Reply papers, if any, must be served and filed on or before July 13, 2010.

Dated: New York, New York
June 4, 2010

Respectfully submitted,

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Except HVB Capital Markets, Inc. and
Incapital LLC⁴*

⁴ This motion is not being made on behalf of Utendahl Capital Partners, L.P. ("Utendahl"), also named as a defendant in the Third Amended Complaint. Utendahl has liquidated its operations and ceases to exist as a corporate entity. Cleary Gottlieb Steen & Hamilton LLP will shortly file a motion under Local Civil Rule 1.4 to withdraw as counsel of record for Utendahl.

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